

MINUTES

SALINA CITY PLANNING COMMISSION
CITY COMMISSION ROOM
Tuesday, July 3, 2007

MEMBERS

PRESENT: Appleby, Bonilla-Baker, Funk, Mikesell, Simpson, Soderberg and Yarnevich

MEMBERS

ABSENT: Ritter and Schneider

STAFF

PRESENT: Andrew, Asche, Burger and Herrs

Item #1. Approval of the minutes of the regular meeting held on June 19, 2007.

The minutes of the June 19, 2007 meeting were approved as presented.

Item #2. Application #Z06-17A, filed by Delphos Project, LLC, requesting approval of a final development plan for Hawthorne Plaza (former Hawthorne School site) located at 715 N. 9th Street.

Mr. Herrs presented the staff report with visual graphics which is contained in the case file.

Mr. Simpson asked are there any questions of staff?

Mrs. Yarnevich asked I have one clarification, how wide is the driveway supposed to be? There is a 24 ft. notation on the plan drawing and you said to widen it to 20 ft., is that a misprint on Item #2 of the staff recommendation?

Mr. Andrew stated I think what that is referring to is the proposed driveway on 9th Street which doesn't exist is going to be 24 ft. wide. The driveway on 10th Street, which is only 14 ft. wide, needs to be widened out to 20 ft. to allow for in and out traffic. The one on 9th Street doesn't exist and the one on 10th exists but needs to be widened.

Mrs. Yarnevich stated okay.

Mrs. Soderberg asked on the far northern part of that block where the splash park and playground equipment is, that is still owned by the City I assume, or does the School Board and the City own it?

Mr. Andrew stated the School District still owns that and the City has an agreement with them to maintain and use that as a park site. It's similar to what we have over at Glennifer Hill.

Mrs. Soderberg asked that agreement will continue?

Mr. Andrew stated yes, that was not affected by this transaction. It was excepted out of this site.

Mrs. Soderberg asked the landscape buffer is in the area that you call the "parking" correct?

Mr. Andrew stated the plan that is on there, John if you could go back to the site plan, the landscape buffer we're referring to is not in the public right-of-way but between the property line and where the paving starts. So the obligation to provide a landscape buffer is to be on private property because the applicant generally doesn't have control over what occurs out in the right-of-way.

Mrs. Yarnevich asked how wide is that strip?

Mr. Herrs stated that one is 6 ft. and the one on the north, well there isn't one on the north, on the east side it is 6 ft. next to 9th Street.

Mr. Simpson asked have we changed our requirements as far as what's allowable for landscaping? We've had xeriscaping discussions for some time now, has anything changed?

Mr. Herrs stated no, nothing has been adopted. For the landscape buffer for the parking all we do is require that there be a solid vegetative buffer between the street and the cars in the parking lot. So whether that is 10 bushes or 20 bushes it depends on the bushes and how big they get and whether they can fulfill that requirement of having a solid buffer.

Mr. Andrew stated many of those shrubs that are used for that, like the euonymus, barberry and varieties like that, are not water intensive and they can do well with minimal watering. So those would probably be retained on any kind of xeriscaping list. A lot of the xeriscaping emphasis is going to be on the type of turf grass or other ground cover.

Mr. Simpson asked are there any other questions? Would the applicant or their representative care to address the Commission?

Chris Rose, Vice-President of Midwest eServices and Delphos Project, LLC., I'm representing David Rose. This building we purchased earlier this year for use for primarily for our own business for the Midwest eServices which is a United Country Real Estate franchise. We are in process of working with the City staff on getting approval to develop the building further to allow us to then lease out the other classrooms in the building, to generate what our vision of a place of multiple businesses in the north part of town, to create the kind of a commercial area there where people can come in for anything from professional offices, real estate or any type of offices that would be allowed in C-1 zoning. We submitted this plan in with cooperation with Jones-Gillam. Charles Renz is the architect that we are working with on the project. He has worked with us in calculating the needed requirements for parking which is why we came upon the plan that we have shown there with the new expanded parking lot on the northeast corner there to allow us enough room to cover the use of the building that we have outlined along with an additional 13 spaces outlined for future expansion if need be. The reason for not including those at this time is we would prefer to keep the parking lot to where it is not covering the utility easement through the middle of the property there. But that is outlined just in case we do expand the property and need more spaces. We could convert more of the storage spaces to offices in the future.

Mrs. Soderberg asked would you show where that is you are referring to?

Mr. Rose stated it's hard to read that with the easement shown but the 13 future spaces are here. We also have the landscaping buffer there on the 9th Street side which Dustin mentioned. At this time we had not specified specific plants or shrubs to be put in that area. We are going to be working with Total Turf Care on developing landscaping plans once we do proceed with the project if we do get approval. We plan on working with them to determine what shrubs and plants are going to be put there, the size they

need to be and the number that is going to be required to cover that area. As far as the 10th Street buffer was concerned that Dustin mentioned, we were originally under the understanding that since that was an existing parking area that we had not included that. That is something that obviously that if you feel that is needed to be put in position then that's something that we will undertake and have the architect draw that into the site development plan and get with the landscaper to develop the plan that we need to make that happen there to provide the proper screening. The future garage that was mentioned is something that was kind of a long distance goal of ours to have another possibility of a building out there. But with the understanding that with the current C-1 zoning that the use of that building is unlikely, we have talked to Charles Renz with Jones-Gillam and we are removing that from the plan. So we will have that out of there obviously if you approve that. The entrance off of 10th Street currently is 14 ft. Once again, it was our assumption that since it was an approved parking lot we weren't aware that we were going to need to expand that, but obviously if that is something that as we expand that parking lot we need additional space for two-way traffic that it can also be built in along with the estimates we're getting from APAC and others for the building of the parking lot and expansion. I believe that covers everything. Are there any questions?

Mr. Simpson asked does anyone have any questions for Mr. Rose? There appears to be none. Thank you.

Mr. Rose stated thank you.

Mr. Simpson asked does anyone else wish to address this application? Seeing none we'll bring it back to the Commission for discussion and action.

Mrs. Yarnevich stated I have a question on the landscaping on 10th Street about it being grandfathered in. If there is no landscaping there now do you require there to be?

Mr. Herrs stated since that was a playground and not actually a parking lot there is no grandfathering. They needed parking so we allowed them to use the playground asphalt as their paved surface for their parking lot on an interim basis and they striped that.

Mr. Andrew asked John could you go back to the preliminary plan please, the one from December. Just to point out maybe why the lack of the meeting of the minds on that, this was the plan that we worked with in December and which first went to the Planning Commission and the original plan was that the west lot along 10th Street was not going to be used as is but was going to be expanded and we would basically have double loaded angle parking and have a second driveway on 10th Street. So if you constructed that south driveway opening which is not part of this plan and used the existing one, and they were both one way, we wouldn't have had a need for the widening. What changed was that they weren't proposing to come up with a second driveway entrance. What they chose to do was basically leave that as is with parking just on one side and the difference is that now that driveway on the north instead of being one way for circulation is now a two-way drive because it is the only way in and out of there. That is the difference between the two plans and why there wasn't a complete meeting of the minds of what we had there.

Mr. Simpson asked are there any other questions or comments?

MOTION: Mrs. Soderberg stated I move we approve Application #Z06-17A with the six staff recommendations to be included.

SECOND: Mrs. Yarnevich.

Mr. Simpson stated it has been moved and seconded that we approve Application #Z06-17A with conditions. Are there any further questions or comments? Seeing none we are ready to vote. Those in favor say "aye", opposed same sign.

VOTE: Motion carried 7-0.

Item #3. Application #Z07-9, filed by the Salina City Planning Commission, requesting the amendment of Article V, General Bulk Regulations, by amending Section 42-83 Fences, Walls and Hedges to allow barbed wire fences in commercial zoning districts. Continued from the June 19, 2007 meeting.

Mr. Andrew presented the staff report which is contained in the case file.

Mr. Simpson asked any questions or comments?

Mrs. Bonilla-Baker asked when I drove by there earlier, we had talked about Ace Hardware and them having barbed wire around there, will they have to get a special condition for them to have that or will somebody go by and say this is against the law now?

Mr. Andrew stated whatever people have already, like our own facilities, like the Salina Stadium and the practice field over there, whatever people have they have, but it would mean that in order for a retailer like Kmart to do something similar they would have to obtain a variance or get some exception to that requirement in order to have barbed wire atop a fence. With these nine listed exceptions that would be permitted as far as any fence that was installed for those uses. But anything that is not on that list would not be allowed or they would have to obtain some sort of variance and show their justification for that.

Mrs. Bonilla-Baker stated because right now it is empty.

Mr. Andrew stated it's used for seasonal storage. But that was one that came to mind and was also one that is just seemed like that if in all of our retail shopping areas we had barbed wire everywhere I don't think that would be real welcoming or very attractive. So we did not include that on the list.

Mrs. Soderberg asked would you explain the process a little bit about getting a fence permit? I'm just wondering how these exceptions occurred.

Mr. Andrew stated primarily we are relying on public education with our fence contractors and people asking questions. Up until 2001 we actually issued fence permits but we didn't follow up and we didn't conduct fence inspections after they were installed and when there was a review of manpower and resources in that area and the fact that giving someone a fence permit and they don't find their property line correctly might create some false sense that we have authorized something that wasn't authorized, a decision was made to cease requiring permits. So this is one of those things that you have to rely on public education and enforcement because a permit is not a requirement, although we do get a lot of questions. If you put up a fence that is taller than 6 ft. you do have to get a permit for that. But otherwise we are relying on our handouts and our working relationships with fence contractors to ask the questions and the other things related to site plan review. But there is not a real effective way necessarily of heading that off because we don't require people to come in and get fence permits before they put one up.

Mrs. Soderberg asked in the future if this passes and the City observes fences with barbed wire in an area that it is not allowed then what will the process be?

Mr. Andrew stated the process will be as we have the ability and as we've done in certain places to go out and go to a property and serve what is called a "Stop Work Order" which means you need to stop installation of the barbed wire and either remove it or sit down with us and outline a process for obtaining a variance or applying for a variance. If it's in an area that it's not authorized then that's where we would take note of that. That's really what occurred in the case of Big Toy Storage, the Planning Commission saw a plan and we saw a plan for a chain link fence around the Big Toy Storage area and I went out and did the inspection and there was barbed wire atop the fence and I told the owner they were not allowed to have barbed wire in this area and asked what led their fence contractor to think that was ok? They pointed up the street to Ace Hardware and they said they have barbed wire over there and they are zoned the same as we are. So that started it and then we started going around and looking at the other situations and that's really what prompted this. But this will hopefully clarify it and have some reasonable exemptions from that prohibition and then hopefully put people on clearer notice as to when it's ok and when it's not.

Mr. Funk asked do you formally notify fence contractors of this new fence ordinance once it's passed?

Mr. Andrew stated we have a listing of ones that we are aware of that hold themselves out as fence contractors and we do mailings to them through a newsletter that goes out bi-monthly and we also do special mailings for plumbers and particular classes of contractors. That's how we would communicate this to the fence contractors.

Mr. Simpson asked any other questions or comments regarding the proposed amendment? Does anyone wish to address this proposed text amendment?

MOTION: Mrs. Yarnevich stated I move we adopt the proposed amendment as drafted.

SECOND: Mr. Funk.

Mr. Simpson stated it has been moved and seconded that we adopt the proposed amendment in Application #Z07-9. Any further questions or comments? There appear to be none. Those in favor say "aye", opposed same sign.

VOTE: Motion carried 7-0.

Item #4. Other matters.

Mr. Andrew stated we are kind of calendaring out our summer here based on what we need to do and we had a number of things on our hit list. One was the amendments that defined terms for our various classes of signs. The City Commission approved that last night and we agreed to follow up with a report and some recommendations on billboards and electronic billboards and their placement. As we were looking at those things and looking at things on our hit list we had several applications that were dropped off just this afternoon so that added to the plate. What we're looking at is a study session / public informational meeting on the Stormwater Pollution Prevention Ordinance and we're having the person from KDHE that heads up that program at the State level here to kind of outline how that works. This has been in place in metropolitan areas for several years, like Wichita and the Johnson County area. There is a requirement that non-metropolitan areas have something in place by the end of September. So we're working towards that. Then the three applications that got filed this afternoon, one is to finish out the Quail Meadows Estates plat and development at the northwest corner of Schilling and Ohio. There is a piece of property on West Republic next to the railroad

tracks that's platted but the plan is not feasible for what the new owner wants to do with that. So a replat of that is being proposed. Then there was the next phase of platting for Magnolia Hills Estates at Markley and Magnolia. Those all came in with a target of the August 7th meeting. Our goal is to get serious with revised lists and planting lists relating to xeriscaping and to discuss those with you in August also. I think most of the focus on the 17th will be the study session and then August 7th I think will be a pretty meaty agenda. As we look ahead, we'll try to use the agenda planner to help us plan and to help you to see what's coming forward and we got ready to email this out to everybody and then we had a change this afternoon so that's why we have hard copies there for what we see upcoming. But with those items that is all we would have for you today.

Mr. Simpson asked anybody else have anything?

Mrs. Soderberg stated Dean it occurs to me that we're taking up a number of what I call kind of community/philosophical issues kind of before we're doing the comprehensive plan. Does it make any sense to have some discussion of these things within the context of the comprehensive plan, the community meetings and getting input from people before we pass something?

Mr. Andrew stated I think so. Some of these, particularly billboards, electronic billboards and the whole sign code thing it could very well be that you want to receive a background report on that and not proceed with a text amendment at this time.

Mrs. Soderberg asked xeriscaping and that kind of thing?

Mr. Andrew stated I'm not so sure about xeriscaping, it is pretty community specific. So yes there is something to be said for that although if you talk to the people who are in the water distribution area they think that is important sooner rather than later in terms of that transition. But all of those are certainly things and the stormwater pollution prevention ordinance is also for the development community something that will have a pretty widespread impact. But that is also a federal mandate so there are not really a lot of options there. But certainly on the subject of signs and community aesthetics, all those things are hopefully part of what we'll be looking at with the comprehensive plan which would involve community meetings, town hall meetings, community surveys or preference surveys to get as much feedback as we can. That would be my final update that we think we're getting close. Our candidate is probably going to be Gould Evans that we will work with and we do believe that as part of that there will be a community survey that will be put together that will try to reach out to members of the community besides the town hall meetings and get an idea of their preferences and priorities. I think it's just important that people be asked what they think. So that will be a part of it.

Mr. Funk asked what do you have in mind under Item #4 for July 17th for Annexation Plan?

Mr. Andrew stated what we've done and what we want to share with you are areas that are frequent areas of discussion where the City may not want to wait for someone to come in and ask to be annexed but there might be reasons for the City to be more proactive in that area. Already we've had discussion, which we'll discuss with you on the 17th, there's a plan for Phase IV and Phase V of the South 9th Street corridor improvements to basically take what is north of Belmont, which is the curb and gutter, landscaped islands, geometric changes and take that all the way to Water Well Road. The south two-thirds of that is not even in the city limits so that's an area that has been identified and we're out widening South Ohio and the whole east side of South Ohio is not within the city limits. So what we're going to

do is just have a map for you to show you areas that we think are candidates for annexation sooner or later and get your feedback if you think it's important that we be proactive in a corridor or specific area to get that property in the city limits.

Mr. Simpson asked anyone else? We are adjourned.

Meeting adjourned at 4:38 p.m.

Dean Andrew, Secretary

ATTEST: _____